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ABSTRACT

This document presents a digest of the various programs in the Education Amendments of 1972 (Higher Education Omnibus Bill, S659). In addition to extension of a number of existing programs, the Bill provides emergency assistance for institutions of higher education, a new basic opportunity grants program, a matching state incentive scholarship program, an expanded graduate education program including institutional funds and fellowships, a community college planning and support program, a postsecondary occupational education program, provision of funds and structures for statewide postsecondary educational planning, a National Institute for Education, funds for innovation in postsecondary education, and cost-of-instruction aid to institutions of higher education. (Author/HS)

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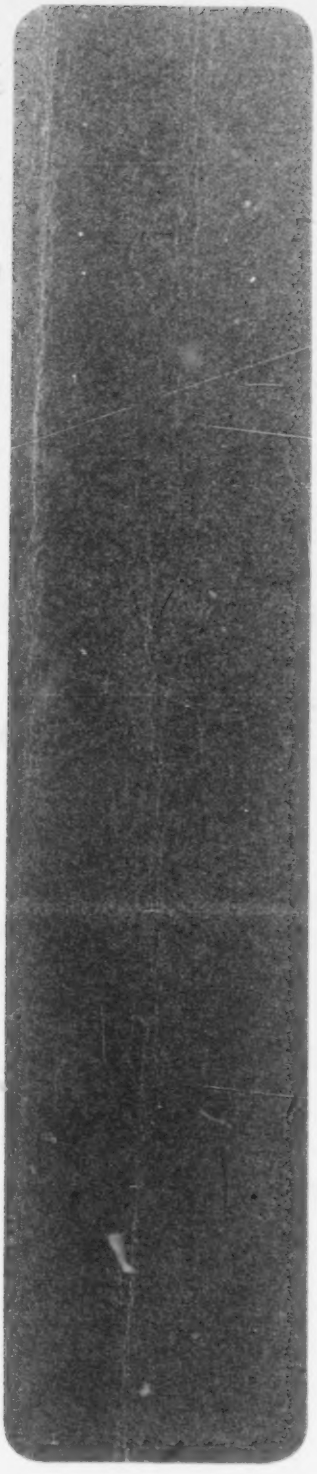

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education commission of the states

DIGEST OF EDUCATION AMENDMENTS OF 1972
(HIGHER EDUCATION OMNIBUS BILL, S659)

Enclosed is a digest of the various programs in the Education Amendments of 1972 (Higher Education Omnibus Bill, S659). The Bill passed the Senate in late May and the House on Thursday, June 8th. In addition to extension of a number of existing programs the Bill provides emergency assistance for institutions of higher education, a new basic opportunity grants program, a matching state incentive scholarship program, an expanded graduate education program including institutional funds and fellowships, a community college planning and support program, a post-secondary occupational education program, provision of funds and structures for statewide postsecondary educational planning, a National Institute for Education, funds for innovation in postsecondary education, and cost-of-instruction aid to institutions of higher education.

Of particular concern to the states will be the state incentive scholarship programs (5C), the provision of state commissions (17), statewide planning for postsecondary education (17), community college planning (14), post-secondary occupational education planning (15), and the relation of the state commissions to support of improvement in postsecondary education (17), facilities (9), and continuing education and community service (1). Copies of the full text of the Act, in conference report form, can be obtained from either house of Congress (Senate Report No. 92-798; House Report No. 92-1085).

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EDUCATION AMENDMENTS OF 1972
92nd Congress

Senate Report No. 92-789--Passed
House Report No. 92-1085--Passed June 8, 1972

Effective June 30, 1972 and for appropriations for fiscal year 1973 (That is, July 1, 1972 to June 30, 1973)

TITLE I - Higher Education

Part A--Community Service and Continuing Education Programs

1. Community Service and Continuing Edu. Authorizations

Section 101--Authorizations: $30 million fiscal 1973
$40 million fiscal 1974
$50 million fiscal 1975

Section 106--National and Regional Problems

National and Regional Problems

(a) 10% per year reserved by Commissioner for:
(b) Special programs by institutions or combinations of institutions to seek solutions to national and regional problems related to technological and social changes and environmental pollution. Up to 90% of funding but restricted to funds over state appropriations for fiscal 1972.

Part B--College Library Program

2. College Library Program Authorizations

Section 201--Authorizations: $75 million fiscal 1973
$85 million fiscal 1974
$100 million fiscal 1975
70% for College Library Resources
30% for Training and Research Programs

Part C--Developing Institutions; Emergency Assistance to Institutions of Higher Education

Developing Institutions:

3. Developing Institutions Authorizations

Section 301(b)--Authorizations: $120 million per fiscal 1973 through 1975. 76% for institutions granting bachelors degrees in year in question, remainder for institutions not granting degrees in year in question (junior or community colleges).

Section 303--Establishes National Advisory Council on Developing Institutions of 9 members appointed by Commissioner and approved by Secretary to assist the Commissioner in identifying developing institutions and establishing priorities.

National Council on Developing Institutions

Section 304--Use of funds: — Use of Funds

(1) Cooperative arrangements with other institutions for upgrading;
(2) National Teaching Fellowships; and
(3) Professors Emeritus Grants

Emergency Assistance for Institutions of Higher Education — 4. Emergency Assistance for Institutions of Higher Education

Section 122 (a)(1)--

(A)(a) Interim emergency assistance to enable institutions in financial distress "to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to extent appropriate, assistance authorized under Higher Education Act of 1965 and all other sources." — Purpose: Determines Cause and Means of Alleviation

(b) Authorization: $40 million from date of Act through fiscal 1974. — Authorization

(B) Commissioner shall not approve awards unless: — Conditions of Award: Role of State Agency

(1) Public institution: Application submitted to appropriate state agency which must affirm that institution is in distress and needs financial assistance (1) to continue operations or (2) will without aid have to discontinue or substantially curtail academic programs to detriment of quality.
(2) Nonpublic institutions may follow above or submit directly to Commissioner who shall refer submitted application to appropriate state agency for comment.
(3) Institution develops plan with reasonable assurance need will be met.
(4) Institution is making a major contribution to overall higher education system in area of state where located or to the nation. — Contribution of Institution to Higher Education System

(C) Institution must agree to: — Institutional Agreements: Full Financial Disclosure

(1) Full financial disclosure
(2) Conduct comprehensive cost analysis
(3) Consider and implement any financial or operational reform recommended by Commissioner to improve condition or give adequate reasons for not doing so.

(D) Commissioner shall use panel of specialists not regular employees of federal government to evaluate applications. — Panel of Specialists

Part D--Student Assistance

5. Student Assistance

Section 401--Statement of Purpose
- (1) Basic grants to all eligible students
- (2) Supplemental educational opportunity grants to students of exceptional need
- (3) Assistance to states in making aid available
- (4) Special programs:
  - (a) To identify qualified students with financial or cultural need
  - (b) Prepare students from low-income families
  - (c) Remedial and other services

Subpart 1 - Basic Educational Opportunity Grants

a. Basic Opportunity Grants

Section 411--

Each student accepted for enrollment or in good standing at institutions of higher education entitled to basic grant of $1,400 minus family contribution or 50% of need (difference between cost of institution and family contribution) (increased to 60% if 75% of total amount to which all students are entitled is appropriated.)

$1400 Entitlement Less Family Contribution

Student eligible for 4 years unless:
(1) First degree requires 5 years or
(2) Remedial work requires additional year

No payments under Basic Grants unless appropriations for:
(1) Supplemental Educational Opportunity Grants [old EOG] equal $130,093,000 and
(2) Work-Study equal $237,400,000 and
(3) Direct Loans (NDEA) equal $286,000,000

Priority in Appropriations for Other Programs

Subpart 2 - Supplemental Educational Opportunity Grants

b. Supplemental Educational Opportunity Grants Authorizatio

Section 413A--

Authorizes $200 million each year from fiscal 1973 through 1975 plus such sums as necessary for continuing supplemental grants.

Section 413B--

Amount of grant determined by institution to be needed by student to pursue course of study at that institution but not to exceed $1,500 or 1/2 sum of total financial aid provided by the institution whichever is lesser.

Institutional Determination of Need

Maximum $4,000 during four years or $5,000 for 5 years if first degree requires 5 years or remedial year necessary.

Application must be made for each fiscal year. Available to 1/2 time or more students.

Inclusion of 1/2 Time Students

Subpart 3 - Grants to States for State Student Incentives

c. State Incentive Grants

Section 415A--Purpose:
To assist states in providing grants to students.

Purpose

Authorization:
$50 million per fiscal year 1973 through 1975 for payment to students not previously awarded grants plus such sums as may be necessary to continue grants to students received for previous years. Sums appropriated if not spent may continue over second fiscal year in addition to new appropriations.

Authorization

Section 415B--
Allotment to states on proportion of students in higher education institutions to total number of students in all states--but with reallotment to other states if not used.

State Allotments

Section 415C--Application for Grants by States:

Administered Through State Agency

(a) Applications submitted through state agency administering state programs
(b) Payments shall be 50% of amount of student grants pursuant to state program
  (1) Administered by a single state agency
  (2) Grants not in excess of $1,500 per academic year to student on full-time basis
  (3) Student with substantial need on basis established by state and approved by Commissioner
  (4) Payment of non-federal portion from state funds "which represent an additional expenditure for such year by such state for grants to students...over the amount expended...during the second fiscal year preceding the fiscal year in which the state initially received funds under this Subpart."

Match Additional State Funds for Grants from 2 Years Prior to Application

Subpart 4 - Special Programs for Students from Disadvantaged Backgrounds

d. Special Programs

Section 417A--Authorizations: $100 million each fiscal year 1973 through 1975

Authorization

Section 417B--Talent Search, Upward Bound, and Special Services for the Disadvantaged and establishment of Educational Opportunity Centers (up to 75% of cost of establishing such centers) extended and consolidated but retain separate identity.

Talent Search
Upward Bound
Special Services
Ed. Opportunity Centers

Proprietary institutions eligible if aid does not result in tuition increase or increase in other fees or charges.

Proprietary Institutions Included

Insured Student Loans--Extension of Program

e. Insured Student Loan Program

Section 132--Total principal amount of new loans covered by Federal Loan Insurance

Fiscal 1972--$1.4 billion
Fiscal 1973--$1.6 billion
Fiscal 1974--$1.8 billion
Fiscal 1975--$2.0 billion

Authorizations

Section 132A--Increase in Loan Limitation
From $1,500 to $2,500 per year with total of $7,500 for undergraduates and $10,000 for graduate students (including undergraduate loans, if any)

Increase in Loan Limitations

Section 132B--
Insurance liability 100% of unpaid balance plus interest

Insurance Liability

Section 132C--
Educational institution is required to recommend the amount of subsidized loan to the lender. Students with adjusted family incomes above $15,000 may also qualify for subsidized loans if recommended by the institution on the basis of need in relation to attending that institution.

Institutional Determination of Need, Removal of $15,000 Income Limit

Section 132D--
Commissioner will discharge liability on death or permanent disablement.

Section 132E--Institutional Eligibility

(a) Commissioner authorized to prescribe regulations to provide for:
  (1) Fiscal audit of eligible institution
  (2) Establish reasonable standards of financial responsibility
  (3) Remove eligibility of institutions if institution violates or fails to carry out prescribed conditions

Institutional Eligibility

(b) Commissioner shall publish list of state agencies he determines to be reliable "authority as to the quality of public postsecondary vocational education in their respective states for the purpose of determining eligibility for all federal student assistance programs."

Commissioner Recognition of State Agencies to Determine Eligibility of Public Vocational Edu. Schools.

Student Loan Marketing Association

Section 133--
Such an association established to buy, sell and warehouse guaranteed student loans.

f. Student Loan Marketing Association

College Work-Study Program — g. Work-Study

Section 135A--Authorizations: — Authorization
Fiscal 1972--$330 million
Fiscal 1973--$360 million
Fiscal 1974--$390 million
Fiscal 1975--$420 million

Section 135B-- — 1972 Base Year
No state allotment shall be less for any year than its allotment in fiscal 1972.

Section 135D-- — Part-time Students Eligible
Part-time (1/2 or more) students eligible for Work-Study.

Section 135E-- — Removes "Low-Income Families" Restriction
Removes restriction to "low-income families" and replaces it with "the greatest financial need taking into account grant assistance provided...from any public or private sources." Adds "academic or creative promise and capability of maintaining good standing" as qualification.

Section 135F--Work-Study for Community Service Learning Program [new] — New Work-Study for Community Service Learning Program
(a) Purpose: To obtain earnings from employment offering maximum potential for effective community service and educational enhancement. Preference to veterans of Korean and Indochina War (since 1964).
(b) Authorization: $25 million fiscal 1972 — Authorization
$50 million fiscal 1973 and each succeeding fiscal year through fiscal 1975
(c) Grants to employing agencies — Employing Agencies

Cooperative Education

Section 136--Extended through 1975 — h. Cooperative Education

Part E--Direct Loans to Students [NDEA] — i. NDEA Loans

Section 461--Authorization: — Authorization
$375 million fiscal 1972
$400 million fiscal 1973 through 1975

Section 464--Loan Ceilings — Loan Ceilings
Aggregate $10,000 for graduate students
$ 5,000 for baccalaureates
$ 2,500 all others

Open to 1/2 time or over student — Part-time Students

Annual ceilings of $1,000 per undergraduate and $2,500 per graduate student removed.

Section 465--
Retains loan cancellation for service as:
(1) Full-time teacher (elementary-secondary) in low-income district
(2) Preschool program full-time staff member
(3) Teacher of handicapped
(4) Certain categories in armed forces

Loan Cancellations

Section 496--
Institution may transfer 10% of allotment under student aid from program to program to meet specific student needs.

10% Fund Transfer

Section 498--
Student must file affidavit that funds received from any federal student aid provision will be used "solely for expenses related to attendance or continued attendance at such institution."

Student Use Affidavit

Section 140--Study of the Financing of Postsecondary Education

6. Study of Financing of Postsecondary Education

(a)(1) Study authorized of "the impact of past, present and anticipated private, local, state, and federal support for postsecondary education, the appropriate role for the states in support of higher education (including the application of state law upon postsecondary educational opportunities), alternative student assistance programs, and the potential federal, state, and private participation in such programs."

All Forms of Financing Including Federal, State, and Private Participation.

(2) Shall include financial crisis of institutions, existing and alternate forms of institutional aid.

Financial Crisis of Institutions

(b) National Commission on the Financing of Postsecondary Education to conduct study. In addition to the above Commission shall consider "suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education." Final report due April 30, 1973.

National Commission

Uniform Standards for Annual Cost per Student

Report Due: April, 1973

Commission shall be composed of:
(1) Two senators
(2) Two representatives
(3) Thirteen members appointed by President within 90 days of enactment including:
(i) State and local education agencies
(ii) State and local government officials
(iii) Education administrators, public and private colleges, including community colleges
(iv) Teaching faculty
(v) Financial experts
(vi) Students
(vii) Office of Education
(viii) Other appropriate fields

Composition of Commission

Authorization: $1.5 million

Part E--Education Professions Development

7. Education Professions Development

Section 141--Authorizations:
Fiscal 1973--$200 million
Fiscal 1974--$300 million
Fiscal 1975--$450 million

Authorizations

Part F--Instructional Equipment
Extend through fiscal 1975

8. Instructional Equipment

Part G--Academic Facilities Title VII [Higher Education Act of 1965]

9. Academic Facilities

Part A--Grants for construction of undergraduate academic facilities

a. Undergraduate Facilities

Section 701--Authorization:
Fiscal 1972--$50 million
Fiscal 1973--$200 million
Fiscal 1974--$300 million
Fiscal 1975--$300 million

Authorization

24% to community colleges and technical institutes (702)
76% to other institutions of higher education

Distribution:
24% community colleges
76% other

NOTE: Under Section 702 (Community Colleges and Technical Institutes) it is provided that: Any portion of the state's allotment under this section not used prior to January 1 of that fiscal year "by the state commission created or designated pursuant to Section 1202 shall, if the state commission so requests" be available under Section 703 (other higher education institutions). Note also that under Section 702 the reverse is true but language is "State Commission" without specific reference to Section 1202.

Unused Allotments may be shifted between community college and "other" programs by Section 1202 State Commis.

Section 704--
Annual state plans submitted by "state commission." Note references to commissions also in Section 705, 706, 707, and 708.

State Plans by State Commission

Part B--Grants for Construction of Graduate Academic Facilities

b. Graduate Academic Facilities

Section 721--
(a) Purpose: Improving existing graduate schools and cooperative graduate centers and establishing graduate schools and cooperative graduate centers of excellence.

Purpose

(b) Authorization:
Fiscal 1972--$20 million
Fiscal 1973--$40 million
Fiscal 1974--$60 million
Fiscal 1975--$80 million

Authorization

Section 722--
(a) Direct application to Commissioner
(b) Upper limit 12 1/2% to a state
(c) Panel of specialists advisory to Commissioner
(d) Institutional or consortium limit 50% of costs

Conditions

Part C--Loans to Construction of Academic Facilities

c. Loans for Construction

Section 741--Insured Loans and Direct Loans
Authorization: Fiscal 1972--$50 million
Fiscal 1973--$100 million
Fiscal 1974--$150 million
Fiscal 1975--$200 million

Authorization

Section 742--
At least 20% of development cost from non-federal sources. Repayment period--50 years. Interest 3% per annum or less.

Conditions

Section 744--Revolving Loan Fund and Insurance Fund
Separate fund in treasury without fiscal year limitations available to Commissioner for loans not to exceed limitations specified in appropriation acts.

Revolving Loan Fund

Section 745--Annual Interest Grants
Commissioner may make such grants available annually to institutions and agencies to reduce cost of borrowing.
Authorization: Such sums as may be necessary. Total amount of such interest grants, however, shall not exceed $13,500,000 annually.

Annual Interest Grants

Authorization

Section 746--Academic Facilities Loan Insurance
Up to 90% of cost insured

Loan Insurance

Part D--Assistance in Major Disaster Areas

d. Assistance in Major Disaster Areas

Section 761--Authorization:
Such sums as may be necessary

Authorizatior

Section 762--
If institution after disaster does not have sufficient funds available Commissioner may provide up to 100% of cost of replacement or restoration and/or cost of temporary facilities.

Up to 100% Funding for Facilities Replacement or Restoration

Section 763--Replacement of Equipment
Under major disaster conditions

Equipment

Section 764--
If financial resources will be available at later date assistance can be made repayable.

Section 765--
Applications must be made through and with concurrence of appropriate state commission.

Application through State Commission

Part H--Networks for Knowledge

Section 171--Extended through 1975
Authorizations: Fiscal 1972--$5 million
Fiscal 1973--$10 million
Fiscal 1974--$15 million
Fiscal 1975--$15 million

10. Networks for Knowledge

Authorizations

Part I--Graduate Programs - Title IX

11. Graduate Programs

Part A--Grants to Institutions of Higher Education

a. Grants to Institutions

Section 901--

(a) Purpose:

(1) To strengthen, improve and where necessary expand quality of graduate and professional programs.

(2) Establish, strengthen, and improve program to prepare graduate and professional students for public service.

(3) Strengthen undergraduate programs where these will strengthen appropriate graduate programs

Purpose:
Strengthen Graduate and Professional Education
Public Serv. Graduate Pro
Undergraduate Support

(b) Authorizations: Fiscal 1973--$30 million
Fiscal 1974--$40 million
Fiscal 1975--$50 million

Authorizations

Section 902--Applications from institution to Commissioner

Section 903--

May be used for:

(1) Faculty improvement

(2) Expansion of graduate and professional programs

(3) Acquisition of instructional equipment and material

(4) Cooperative arrangements between graduate and professional schools

(5) Strengthening graduate and professional school administration

Up to 66 2/3% of costs of program or activity
Up to 50% equipment and material.

Uses and Limitations

Part B--Graduate Fellowships for Careers in Postsecondary Education

b. Graduate Fellowships for Careers in Postsecondary Education

Section 922--Number of Fellowships:
Up to 7,500 fellowships per year 1973,1974,1975
May refill vacated fellowships for period remaining.

7500 Fellowships per year

Section 923--Amount of Fellowships and Approval of Institutions

(a) At least 1/3 fellowships shall be awarded under priorities that include:
  (1) Present and projected needs
  (2) Special attention to institutions with new doctoral level programs tailored to prepare classroom teachers
  (3) Minority groups
  (4) 1/2 recipients have demonstrated competence outside higher education for at least two years after completion of undergraduate studies
  (5) Allow recipient to interrupt studies for up to year (but with no stipend)
  (6) Reasonably equitable geographic distribution

Priorities [1/3 Awards Based on Priorities List]

(b) All recipients working towards PhD, DA, or equivalent with interest for academic career.

PhD, DA, or Equivalent

(c) Approve program of institution upon application and assurance that institution will promote special orientation and practical experience to prepare fellows for academic careers.

Orientation and Practical Experience

Section 924--Stipends

(a) Consistent with prevailing practices under comparable federal agencies.

Stipends

(b) Payment to institution in lieu of tuition amount to be determined but not to exceed $4000 per academic year per person.

Institutional Payment in Lieu of Tuition Up to $4000 per Student

Part C--Public Service Fellowships

c. Public Service Fellowships

Section 941--Up to 500 fellowships per year fiscal 1973 through fiscal 1975 for graduate and professional study for persons planning to pursue career in public service.

Up to 500 Per Year

Authorization: Such sums as may be necessary

Section 942-943--At institutions with programs leading to public service approved by Commissioner

Section 944--Stipends consistent with prevailing practices under comparable federal programs plus institutional supplement similarly consistent

Stipends

Part D--Fellowships for Other Purposes

d. Other Fellowships

Section 961--

(a) Purpose:
  (1) Advanced study in domestic mining and mineral and mineral fuel conservation
  (2) To assist persons with disadvantaged backgrounds in undertaking graduate and professional study.

Purpose:
1. Advanced Study in Mining and Mineral Fuel Consv.
2. Assist Persons With Disadvantaged Backgrounds.

(b) Number:
Not to exceed 500 per year fiscal 1973 through 1975

Authorization:
$1 million per fiscal year

Authorization

Section 962--Recipients
Recipients may include persons who have completed course work toward doctorate and comprehensives and are working on approved dissertations.

ABDs

Section 963--Stipends
Stipends up to $2800 per academic year plus $300 for dependents up to $1500. Institution to receive 150% of amount paid to fellow less dependent allowance and travel expenses to recipient.

Stipends: Up to $2800 plus $300 for dependents. Institutional grant 150% of stipend

Extension and Expansion of Title VI of NDEA:
Language and Area Centers and Programs

12. Extension NDEA Language Centers

Section 601--
Grants or contracts with institutions to establish, equip, and operate graduate or undergraduate centers for modern foreign languages or area studies--cover part or all of costs of faculty, staff, student travel, or travel of foreign scholars.

Center Support

Travel Support

Stipends to persons in advanced training in such centers if reasonable assurance recipient will teach upon completion.

Authorization: $50 million fiscal 1973
$75 million fiscal 1974 and fiscal 1975

Authorization

Extension of International Education Act of 1966

13. Extension of International Education Act

Section 183--Authorizations:
Fiscal 1973--$20 million
Fiscal 1974--$30 million
Fiscal 1975--$40 million

Authorizations

Part J--Improvement of Community Colleges and Occupational Education

14. Community Colleges

TITLE X
Part A--Establishment and Expansion of Community Colleges
Subpart I Statewide Plans

Section 1001--Each State Commission (1202) of state desiring to receive assistance shall develop a statewide plan for the expansion and improvement of postsecondary education programs in community colleges.

Section 1202 Commission Responsible for Community College Planning

Plan shall:
(A)(1) Designate areas of state without two-year free or low-tuition institutions in reasonable distance
(2) Plan for establishment, expansion, improvement of community colleges to make opportunity to attend community colleges available to all residents
(3) Establish federal and non-federal funding priorities to achieve goal
(4) Recommend adequate state and local support within the priorities in (3) above

(5) Analyze duplications in postsecondary programs and recommend coordination to eliminate duplication
(6) Develop plan to achieve goal including modification of state plans for federally assisted vocational education, community services, and academic facilities.

(B) State Commission shall establish an advisory council on community colleges: — Advisory Council on Community College Planning to Commission
(1) Composed of:
(a) "Substantial number" of persons with responsibility for operation of community colleges including representatives of state and local agencies.
(b) Representatives of state agencies having responsibility for or interest in post-secondary education.
(c) The general public.
(2) Advisory Council will assist and make recommendations to State Commission in developing plan and conducting hearings.

(C) Plan submitted to Commissioner--who shall not approve without assurance that each state and local agency with responsibility for postsecondary education has had an opportunity to review and make recommendations. — Review by all Agencies

(D) Authorization for planning $15,700,000 (July 1, 1972 to June 30, 1974). Sums allotted equally among states (except $100,000 each to Guam, American Samoa, and the Virgin Islands.) — Authorization for Planning

Subpart 2--Establishment and Expansion of Community Colleges — Substantive Community College Program

Section 1011--Program Authorization
Commissioner--Grants to community colleges to establish or expand

Authorization: $50 million 1972-1973
$75 million 1973-1974
$150 million 1974-1975 — Authorization

Section 1012--Apportionments
No more than 5% among Puerto Rico, Guam, American Samoa, and the Virgin Islands. Remainder--to each state on ratio of the population of 17 year olds and older as it bears to total population in all states. Reapportionment if not required.

Section 1013--"Establishment Grants"
(1) For new community colleges in planning, development, establishment and initial operation--where no community college exists or existing community college cannot provide opportunities.
(2) New community college defined--Trustees, board, with authority to create new community college.

Section 1014--"Expansion Grants"
Grants to:
(1) Expand enrollment capacities
(2) Establish new campuses
(3) Alter or modify education programs more adequately to meet needs etc. or provide programs especially suited to disadvantaged.

Section 1015--"Applications: Federal Share"
(a)(1) To Commissioner
(2) No application approved unless consistent with statewide plan [State Commission 1202].

Consistency with Commission Plan

(b)(1) Four-year limit
(2) Federal share shall not exceed:
40% of cost first year
30% of cost second year
20% of cost third year
10% of cost fourth year

Funds may be used for remodeling, renovating, equipping, but not for construction of new facilities or acquisition of existing facilities or to lease facilities.

Section 1017--Definition

Community college "means any junior college, post-secondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any state which--"

Community College Defined

(1) is legally authorized within such state to provide a program of education beyond secondary education.
(2) admits high school graduates or equivalent.
(3) provides two-year program leading to associate degree, or acceptable for credit towards bachelor's degrees, and also provides programs of postsecondary vocational, technical, occupational and specialized education, which comprehensive programs may be through consortium agreements between junior colleges, technical institutes, or other educational institutions (including four-year institutions or their branches).
(4) public or non-profit.
(5) accredited
or preaccreditation status
or credits accepted by three accredited institutions.

Part B--Occupational Education Programs

15. Postsecondary Occupational Education

Section 1051--Authorization:
$100 million fiscal 1973
$250 million fiscal 1974
$500 million fiscal 1975 and 1976

Authorization

80% of funds for first year to:
(1) establish administrative arrangements
(2) planning grants

(3) initiating programs in states which have complied with planning requirements.

20% of funds for first year for technical assistance. After first year 15% reserved to Commissioner for technical assistance and model programs grants.

Section 1052--Allotments and Reallotments

First year--Up to $50,000 each to American Samoa and trust territories
--Allot to states on ratio of 17 year olds and older to number of such persons in all states (but not less than $100,000 per state)

Subsequent years--Up to $510,000 for American Samoa and trust territories
--Same formula as above to states but not less than $500,000 per state.

Reallotment if not used.

Federal Administration

Section 1053--Federal Administration
Secretary of Health, Education, and Welfare shall develop and carry out program which shall:
(1) Provide for administration by Commissioner of grants to states.
(2) Assure manpower needs in education, health, rehabilitation, and community and welfare services (subprofessional levels) are adequately considered.
(3) Promote and encourage coordination of programs with Part A above, Vocational Education Act of 1963, Manpower Training and Development Act of 1962, Title I of Economic Opportunity Act of 1964, and Public Health Service Act.
(4) Continuous assessment of needs in occupational education and continuous evaluation of programs.

Role of Commissioner

Section 1054--Responsibilities of Commissioner
Commissioner shall carry out a program that will:
(1) Coordinate programs administered by the Commissioner.
(2) Promote occupational education, counseling and guidance, job placement or placement in postsecondary occupational education programs as a responsibility of elementary and secondary schools.
(3) Research and demonstration for new instructional methods and technology and models to place occupational education on equal footing with academic education.
(4) Assure that Education Professions Development Act and other programs reflect adequate support for occupational education commensurate with national needs.
(5) Develop and disseminate accurate information on occupational education at all levels.

Section 1055--State Administration

State Administration: State Agency (1055)

(1) State shall designate or establish a state agency in accordance with state law with sole responsibility for fiscal management and administration of the program in accordance with plan under this part and which adopts administrative arrangements to assure Commissioner that:
   (a) Administration of approved plan provides adequate consultation and review by individuals involved in development of plan.
   (b) State Advisory Council for Vocational Education charged with same responsibility re programs as in Vocational Education Act of 1963 (Amendments 1968)
   (c) Provision for appeal to state administration agency.

(2) Commissioner approval and provision for appeal.

Section 1056--Planning Grants for State Occupational Education Programs

State Commission [1202] Planning Responsibility

(1) Upon application of the State Commission the Commissioner shall make available to the state funds for:
   (a) Strengthening State Advisory Council on Vocational Education to carry out additional functions of this Title.
   (b) To enable State Commission [1202] to initiate and conduct comprehensive program of planning for this program.

Planning Areas

(2) Such planning [by Commission] shall include:
   (a) Assessment of existing capabilities and facilities for postsecondary occupational education with assessment of existing and projected needs.
   (b) Consider most effective means of utilizing all existing institutions in state--public and private community and junior colleges, area vocational schools, accredited proprietary schools, technical institutes, manpower skill centers, branches of state colleges and universities, and public and private colleges and universities.
   (c) Develop administrative procedures for resolving differences among interested parties.
   (d) Develop long-range strategy for infusing occupational education into elementary-secondary schools on equal footing with academic education.
   (e) Develop procedures to insure continuous planning and evaluation.

Planning Participation

(3) Planning activities of State Commission [1202] shall involve active participation of:
   (a) State board for vocational education.
   (b) State agency for community colleges.
   (c) State agency responsible for higher education institutions.
   (d) State agency for public elementary and secondary education.

(e) State agency responsible for adult basic education.
(f) Representatives of all types of institutions in state engaged in or capable of engaging in postsecondary occupational education.
(g) Representatives of private nonprofit elementary and secondary schools.
(h) State employment security agency, agency for apprenticeship programs, and other manpower training and development agencies.
(i) State agency for economic and industrial development.
(j) Persons involved in occupational education for disadvantaged, handicapped, and minority groups.
(k) Representatives of business, industry, organized labor, agriculture, and the general public.

Section 1057--Program Grants for State Occupational Education Programs

Program Grants

(1) Commissioner shall make grants on application by state agency [1055] to:

1055 Agency Support

(a) Assist 1055 agency.
(b) Design, establish and conduct programs.
(c) Design, establish and conduct programs to carry out long-range strategy re elementary-secondary schools.
(d) Design of high-quality instructional programs and development of order of priority for putting in operation.
(e) Specific preparation for teaching, administration, etc. in programs.
(f) Leasing, renting, remodeling of facilities to carry out programs.

(2) Programs may be carried out by contract with proprietary organizations and institutions.

Section 1058--Assurances and Student Review

Section 1059--Technical Assistance: Model Programs

Technical Assistance

(1) Commissioner shall make available technical assistance to states in planning, designing and carrying out programs upon request of state agency [1055].

(2) From reserved funds Commissioner shall grant or provide assistance for:
(a) Model or demonstrative programs.
(b) Incentive or supplemental grant for proposals of special promise in relation to disadvantaged or those with special needs.
(c) Programs with potential to find solutions to problems on regional or national basis.

(3) Commissioner may make grants or contracts directly with agencies, organizations, institutions but preference will be given programs administered or approved by state administrative agencies [1055].

Preference to 1055 Agency Approved Programs

Section 1060--Definitions

The term "post-secondary occupational education" means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a state, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations), or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which require a baccalaureate or advanced degree.

Postsecondary Occupational Education Defined

Part C--Establishment of Agencies

(1) Establishes Bureau of Occupational and Adult Education with a Deputy Commissioner in charge.
(2) Establishes in Office of Education a Community College Unit with a director to coordinate all community college programs.

Additional Federal Agencies

Part K--Law School Clinical Experience Programs

Section 191--Extended to June 30, 1975

16. Law School Clinical Experience Program Extended

Part L--Postsecondary Education Commission, Comprehensive Planning, and Cost of Education Data

Section 1202a--State Postsecondary Education Commissions

Establish or designate an existing commission or agency "broadly and equitably representative" of:

(1) General public
(2) Public
(3) Private
(4) Proprietary

} institutions of postsecondary education

including:

- community colleges
- junior colleges
- postsecondary vocational schools
- area vocational schools
- technical institutes
- four-year institutions and branches

17. Basic State Postsecondary Education Commissions

If state is to receive assistance under { Section 1203 or Title X }

Relation to Community Colleges and Occupational Edu.

(a) Commission may establish committees, task forces of noncommission members or utilize existing agencies or organizations--for specific studies, papers, etc.

(b) After July 1, 1973--may be designated successor agency to Title I, HEFC, undergraduate instructional equipment.

Relation to Title I, and HEFC

(c) Commissioner shall pay amount necessary for "proper and efficient administration of functions transferred to it by designation" (as per above).

Section 1203a--Comprehensive Statewide Planning

(a) Commissioner authorized to make grants to state commission to expand scope of studies under Title X through:
Comprehensive inventories of, Studies with respect to, { all public and private postsecondary education resources in state }
including planning necessary for such resources to be better coordinated, improved, expanded or altered so that all persons in state who desire and can benefit from postsecondary education may have opportunity to do so.

Statewide Planning Under Commission

(b) Commissioner shall make technical assistance available to state commissions if so requested.

(c) Appropriate such funds as may be necessary.

Section 1206--
Cost of education data may be required by Commissioner:
(1) For institutional aid at earliest possible date.
(2) For student aid after June 30, 1973.

TITLE II - Vocational Education Amendments to Vocational Education Act of 1963--Extends following programs to 1975:
Exemplary Programs and Projects
Residential Vocational Schools
Consumer and Homemaker Education
Cooperative Vocational Education
Work-Study Programs
Curriculum Development
National Advisory Council

18. Amendments to Vocational Edu. Act of 1963

Extension of Programs

TITLE III - Amendments Relating to the Administration of Education Programs

Administrative Amendments

Part A--Education Division

Section 401--
Division to include Office of Education and National Institute of Education headed by Assistant Secretary.

19. Division of Education OE, NIE

Section 402--
Assistant Secretary, appointed by President, with advise and consent of Senate. Assistant Secretary shall be neither Commissioner of Education nor Director of National Institute of Education

Assistant Secretary

Support for Improvement of Postsecondary Education

20. Improvement of Postsecondary Education [Remains of NFPSE]

(a) Section 404--
"The Secretary is authorized to make grants to, and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (nonprofit) to improve postsecondary educational opportunities by providing assistance to" such institutions and agencies for:

Funds for Secretary of HEW

Areas of Support

(1) Reform, innovation and improvement.
(2) Creation of "institutions and programs" involving new paths to career and professional training.
(3) Establishing new institutions and programs based on technology of communications.
(4) Changes in internal structure to clarify priorities and purposes.
(5) Design cost-effective methods of instruction and operation.
(6) Expand opportunities for entry and re-entry.
(7) Reform graduate education, structure of academic professions, recruitment and retention of faculties.
(8) New institutions and programs for examining and credentialing.

(b) Grants and contracts must be submitted to State Commission [1202] and "an opportunity afforded such commission to submit its comments and recommendations to the Secretary."

Role of State Commissions

(c) Secretary may appoint not more than five technical employees to administer the program.

Administration

(d) Authorizations: Fiscal 1973--$10 million
Fiscal 1974--$50 million
Fiscal 1975--$75 million

Authorization

National Institute of Education

21. National Institute of Education

Section 405--

(a) (1) While responsibility for education system lies with state and local government, federal government has clear responsibility to provide leadership in conduct and support of scientific inquiry into the educational process.

Purposes

(2) Policy of United States to:
(i) Help solve problems and promote reform and renewal in American education.
(ii) Advance the practice of education as art, science, and profession.
(iii) Strengthen scientific technological foundation
(iv) Build effective research and development system.

(b) National Institute to consist of a National Council on Educational Research and a director

National Council on Educational Research

(c) Council--15 members appointed by President. Three year terms. Federal ex officio officers appointed by the President. Chairman appointed from members by the President.

Composition of Council

(d) Director appointed by President with advice and consent of Senate. Deputy director also appointed by President. Director may appoint professional and technical personnel for up to three years.

Director and Deputy Director

Authorization: $550 million in aggregate for period July 1, 1972 to June 30, 1975--to remain available until expended.

Authorization

Amendments to Cooperative Research Act

22. Amendments to Cooperative Research Act

Section 303--
In addition to NIE funds, funds are authorized for Commissioner in carrying out the purpose and duties of the Office of Education for grants, contracts, etc. for exemplary projects, studies related to management of Office of Education, dissemination of information, surveys, etc.:
Fiscal 1973--$58 million
Fiscal 1974--$68 million
Fiscal 1975--$78 million

Office of Edu. Research and Dissemination Funds

Authorization

Section 304--Evaluation
Upon request of committee of Congress with appropriate jurisdiction or member of such committee, Comptroller General shall review, audit, and evaluate any federal education program including contracting agencies.

23. Evaluation of Education Programs by Comptroller General

TITLE IV - Indian Education

24. Indian Education

TITLE V - Miscellaneous

Section 503--
Requires Commissioner to conduct study of all rules, regulations, and guidelines issued by him or Secretary of Health, Education, and Welfare since June 30, 1965 and report to Senate and House committees within a year.

25. Study of Rules, Regulations, and Guidelines by Commissioner

Section 504--
Ethnic Heritage Program added as new Title to Elementary and Secondary Education Act of 1965.

26. Ethnic Heritage Program

Section 505--
Addition of Consumer's Education Programs to ESEA of 1965.

27. Consumer Education Programs

Authorization: Fiscal 1973--$20 million
Fiscal 1974--$25 million
Fiscal 1975--$35 million

Authorization

Section 506--
Land-Grant status for College of the Virgin Islands and University of Guam.

Authorization: $3 million each in lieu of public land.

28. Land-Grant Status for College of V.I. and Univ. of Guam Authorization

Section 510--Students on Boards of Trustees
"It is the sense of the Congress that governing boards of institutions of higher education should give consideration to student participation on such boards."

29. Students on Board of Trustees: Sense of Congress

TITLE VI - Investigation of Youth Camp Safety.

Study by Secretary of Health, Education, and Welfare and report to Congress March 1, 1973.

30. Investigation of Youth Camp Safety

TITLE VII - Emergency School Aid

31. Emergency School Aid

TITLE VIII - General Provisions Relating to the Assignment or Transportation of Students. [Anti-bussing amendment]

32. Anti-bussing

TITLE IX - Prohibition of Sex Discrimination

33. Prohibition of Sex Discrimination

Section 901--
"No person in United States shall, on basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving federal" funds except:

(1) Does not apply to private undergraduate education but does to public
(2) Does not apply until one year after enactment nor for six years to institutions currently changing to coeducational, nor for seven years to institutions so changing in future.
(3) Religious institutions where contrary to teaching of religion.
(4) Military institutions.
(5) Single sex institutions.

Exceptions

Section 904--
Prohibitions against discrimination against the blind. Cannot refuse to admit blind but not required to provide special services.

Prohibition of Discrimination Against the Blind

TITLE X - Assistance to Institutions of Higher Education

34. Aid to Institutions of Higher Education

Section 419--
Cost of education payments--amount determined by (2)(A) plus (2)(B).

Cost of Education Payments

(2)(A) Formula--

Total number of undergraduate students in attendance at the institution and the number of students who are recipients of basic opportunity grants per following table:

Formula Based on Basic Opportunity Grants

Number of students	Amount of Grant
Not over 1,000	$500 per recipient
Over 1,000 but not over 2,500	$500 for each of 100 recipients, plus $400 for each additional
Over 2,500 but not over 5,000	$500 for first 100; $400 for next 150; $300 for each additional
Over 5,000 but not over 10,000	$500 for first 100; $400 for next 150; $300 for next 250; $200 for rest
Over 10,000	$500 for first 100; $400 next 150; $300 next 250; $200 next 500; $100 for rest.

Payments under (2)(A) will not be made unless 50% of entitlement grants are covered by appropriations. If funds appropriated given above condition do not meet full institutional entitlement those available will be prorated.

Not Payable Unless 50% of Student Entitlement Grants Appropriated

(2)(B) Formula--

Percentage on aggregate amount of supplemental Educational Opportunity Grants (EOG); Work-Study payments; and, NDS Loan funds paid to students at institution according to following table:

Formula Based on Percentage of EOG, Work-Study, and NDSL Funds.

Number of students	Percentage of Aggregate
Not over 1,000	50%
Over 1,000 up to 3,000	46%
Over 3,000 up to 10,000	42%
Over 10,000	38%

(3) Institutional Conditions--

(i) Funds must be used to defray instructional costs.

(ii) No funds to school or department of divinity.

Instructional Costs

(iii) Maintenance of Effort--Applicant will spend during academic year for all academically related programs an amount equal to the average amount spent during the three preceding years.

Maintenance of Effort

Proportionate Formula--Of sums appropriated on basis of entitlements (2)(A) and (2)(B)

plus Part F--Assistance to Graduate Schools:
45%--(2)(A)
45%--(2)(B)
10%--Capitation grants for graduate students.

Proportionate Formula Funding Base:
45%-BOG Formula
45%-EOG, etc. Formula
10%-Graduate Capitation

Section 420--Veterans Cost of Instruction Payments
Each eligible institution shall receive $300 for each veteran attending school and additional $150 for each veteran who is in a special or remedial program.

Veterans Cost-of-Instruction Payments: $300 per Veteran Additional $150 per Veterans in Special Programs

To be eligible institution must increase enrollment of veterans by 10% the first year and maintain that enrollment for succeeding years. 50% of payments received shall be used to implement special outreach, recruitment and education programs and to maintain a full-time office of veterans affairs. If enrollment less than 2,500 institutions may meet those requirements through consortium agreements.

10% Increase in Veterans 1st Year of Funding
50% of Payments for Outreach, Recruitment, Special Programs, and Office of Veterans Affairs

Part F - General Assistance to Graduate Schools

General Assist. to Grad. Schools

Section 981--Capitation Grants
$200 per full-time equivalent students pursuing post-baccalaureate study.

$200 Capitation Grants per Full-Time Equivalent

To be eligible institution must:
(1) Describe general education goals and specific objectives of graduate programs.
(2) Give assurance that funds will be used for programs consistent with goals and objectives.
(3) Give assurance that non-federal funds have not been reduced in anticipation of capitation funds.

Specification of Objectives

Maintenance of Effort

Section 981(d)--
Total payments for institutional aid (except Section 420--Veterans Cost-of-Instruction) shall not exceed $1 billion during any fiscal year.

Upper Limitation on Institutional Aid

RMM:mb
6/13/72